

JOSEPH DU COMMUN.

JANUARY 4, 1832.

Mr. DRAYTON, from the Committee on Military Affairs, made the following

REPORT:

*The Committee on Military Affairs, to whom the petition of Joseph du Commun was referred, submit the following report:*

By law no provision is expressly made for more than one teacher of the French language at the Military Academy of the United States; but, shortly after that institution went into full operation, it being found that one French teacher was not sufficient for the instruction of the cadets, the then President directed a second teacher to be employed, with the pay and emoluments of a captain in the army, and Congress sanctioned this executive act, by making the necessary appropriation, which they have continued for fourteen years, viz. from 1817 to 1831. During the whole of this period, the petitioner has been the second teacher of the French language at the Military Academy, and, as appears by the most authentic and respectable testimony, "has discharged his duties with distinguished ability, and with great advantage to the institution." He is now totally deprived of his sight, a calamity which not only prevents him from performing his official functions, but which utterly incapacitates him from making any kind of exertion by which he might provide himself with the necessaries of life. Under these afflicting circumstances, he asks Congress to allow to him the pension which is granted to a captain in the army, who has been totally disabled in the service.

The sole question for the consideration of the committee, is, whether the case of M. du Commun comes within the provisions of the pension laws, which enact, that "if any officer, non-commissioned officer, musician, or private, in the army of the United States, shall be disabled by wounds, or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension, and under such regulations, as are or may be directed by law." According to strict technical construction, perhaps the petitioner would not be regarded as an "officer in the army of the United States;" but as he did, in fact, perform all the duties of such an officer—as he was appointed to that situation by the Executive—as the act of the Executive was confirmed by the legislation of Congress—and as he was disabled while in the military service of the United States, the committee are of opinion that his is embraced within the spirit and meaning of the pension laws, and, therefore, they report a bill for his relief.

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